IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.397 OF 2005
IN
SECOND APPEAL NO.170 OF 1993

Dattaram Tukaram Gawankar
(since deceased through L.Rs) & Ors. ... Applicants
vs.
Yashwant Laxman Gawankar through
his Mukhtyar J.Y.Gawankar ...Respondent

CORAM: A.S.OKA,J.
DATE : APRIL 29,2005.

P.C.:

1. Heard Advocates for the parties. The prayer made in this Civil Application read thus :

. "That the Respodnent be directed to cut the Coconut Tree which is bent upon the property of the Petitioners and/or the Petitioners be permitted to cut the said Coconut Tree."

2. This application is strongly opposed by the learned Counsel appearing for the Respondent.

3. The case of the Applicant is that the coconut tree standing on the property of the Respondents is likely to fall on the property of the Applicant.

4. Considering the fact that there is no denial on oath of the status of the tree, the Applicants are permitted to cut the said coconut tree only after obtaining requisite permission and after giving intimation in writing to the Respondents.

5. Civil Application is disposed of in above terms.

JUDGE.